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By: **Senator Giannetti**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Zoning - Regulation of Flagpoles Containing Telecommunications**  
3                                   **Equipment**

4 FOR the purpose of requiring a local legislative body that regulates flagpoles to treat  
5 poles containing telecommunications equipment in the same manner as  
6 flagpoles that do not contain telecommunications equipment under certain  
7 circumstances; making this Act applicable statewide; and generally relating to  
8 the regulation of flagpoles containing telecommunications equipment.

9 BY repealing and reenacting, with amendments,  
10 Article 66B - Land Use  
11 Section 1.02 and 2.13  
12 Annotated Code of Maryland  
13 (2003 Replacement Volume)

14 BY adding to  
15 Article 66B - Land Use  
16 Section 4.01(b)(3)  
17 Annotated Code of Maryland  
18 (2003 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21                                   **Article 66B - Land Use**

22 1.02.

23 (a) Except as provided in this section, this article does not apply to charter  
24 counties.

25 (b) The following sections of this article apply to a charter county:

26 (1) § 1.00(j) (Definition of "sensitive areas");

- 1 (2) § 1.01 (Visions);
- 2 (3) § 1.03 (Charter county - Comprehensive plans);
- 3 (4) § 4.01(b)(2) (Regulation of bicycle parking);
- 4 (5) § 4.01(B)(3) (REGULATION OF FLAGPOLES CONTAINING  
5 TELECOMMUNICATIONS EQUIPMENT);
- 6 [(5)] (6) § 5.03(d) (Easements for burial sites);
- 7 [(6)] (7) § 7.02 (Civil penalty for zoning violation);
- 8 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);
- 9 [(8)] (9) § 11.01 (Transfer of Development Rights);
- 10 [(9)] (10) § 12.01 (Inclusionary Zoning);
- 11 [(10)] (11) Except in Montgomery County or Prince George's County, §  
12 13.01 (Development rights and responsibilities agreements); and
- 13 [(11)] (12) For Baltimore County only, § 14.02.
- 14 (c) This section supersedes any inconsistent provision of Article 28 of the  
15 Code.
- 16 2.13.
- 17 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of  
18 this article do not apply in Baltimore City.
- 19 (b) The following sections of this article apply to Baltimore City:
- 20 (1) § 1.00(j) (Definition of "sensitive areas");
- 21 (2) § 1.01 (Visions);
- 22 (3) § 1.03 (Charter county - Comprehensive plans);
- 23 (4) § 4.01(b)(2) (Regulation of bicycle parking);
- 24 (5) § 4.01(B)(3) (REGULATION OF FLAGPOLES CONTAINING  
25 TELECOMMUNICATIONS EQUIPMENT);
- 26 [(5)] (6) § 5.03(d) (Easements for burial sites);
- 27 [(6)] (7) § 7.02 (Civil penalty for zoning violation);
- 28 [(7)] (8) § 10.01 (Adequate Public Facilities Ordinances);
- 29 [(8)] (9) § 11.01 (Transfer of Development Rights);

1            [(9)]    (10)    § 12.01 (Inclusionary Zoning); and

2            [(10)]    (11)    § 13.01 (Development Rights and Responsibilities  
3 Agreements).

4 4.01.

5        (b)        (3)        A LOCAL LEGISLATIVE BODY THAT REGULATES FLAGPOLES SHALL  
6 TREAT POLES THAT CONTAIN TELECOMMUNICATIONS EQUIPMENT IN THE SAME  
7 MANNER AS A FLAGPOLE THAT DOES NOT CONTAIN TELECOMMUNICATIONS  
8 EQUIPMENT IF THE POLE THAT CONTAINS TELECOMMUNICATIONS EQUIPMENT:

9                    (I)        IS NOT MORE THAN 150 FEET HIGH; AND

10                   (II)       IS ALSO USED AS A FLAGPOLE.

11        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2004.